

TOWN OF EMMITSBURG

300A South Seton Avenue
Emmitsburg, Maryland 21727
301-600-6300 fax: 301-600-6313

Mayor

Donald N. Briggs

Town Manager

David Haller

Town Clerk

Cathy Willets

Board of Commissioners

Timothy O'Donnell, President

Clifford Sweeney, Vice President

Glenn Blanchard, Treasurer

Jennifer Mellor

Joseph Ritz III

TOWN MEETING AGENDA JUNE 6, 2016

I) CALL MEETING TO ORDER (7:30PM)

A. PLEDGE OF ALLEGIANCE TO THE FLAG

B. NEXT MEETINGS:

Town Meeting June 20 (if needed) @ 7:30pm

Town Meeting July 5 @ 7:30pm

C. APPROVE MINUTES FROM: May 2, 2016 and May 16, 2016

D. POLICE REPORT

E. COMMISSIONER COMMENTS

F. MAYOR COMMENTS

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

I. CONSENT AGENDA

For more information go to www.emmitsburgmd.gov

J. REPORTS

Treasurer's
Planning Commission

II) AGENDA ITEMS:

1. Fiscal Year 2017 Town Budget

III) SET AGENDA ITEMS FOR July 5, 2016 TOWN MEETING

IV) SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

ITEM C

MEETING MINUTES:

May 2, 2016

May 16, 2016

**MINUTES
TOWN MEETING
May 2, 2016
Emmitsburg Town Office**

Present: Commissioners Clifford Sweeney, Joseph Ritz III, Jennifer Mellor, Glenn Blanchard and Tim O'Donnell, President.

Staffs present were Cathy Willets, Town Clerk; Amy Naill, Recording Secretary; Jerry Muir, Zoning Technician; and Dave Haller, Town Manager.

Absent: Mayor Donald Briggs

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the May 2, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Announcement of a Closed Session (May 2, 2016):

President O'Donnell announced the need for a closed executive session following adjournment of the May 2, 2016, meeting as permitted *General Provisions* Article, Section 3-305(b)(1), Annotated Code of Maryland which is to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee or official over whom it has jurisdiction or any other personnel matter that affects one or more specific individuals."

Approval by Commissioners for a closed executive meeting
Motion by Commissioner Blanchard, Second Commissioner Mellor

Vote 5-0 in favor

Commissioners O'Donnell, Blanchard, Sweeney, Mellor and Ritz III present

Motion – To accept the recommendation of the Mayor to terminate a Town employee.

Vote in favor

Announcement of a Closed Session (April 4, 2016):

President O'Donnell announced the need for a closed executive session following adjournment of the April 4, 2016, meeting as permitted by the *General Provisions* Article, Section 3-305(b)(1), Annotated Code of Maryland which is to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee or official over whom it has jurisdiction or any other personnel matter that affects one or more specific individuals;" *General Provisions* Article, Section 3-305(b)(7), Annotated Code of Maryland which is "to consult with counsel to obtain legal advice;" and *General Provisions* Article, Section 3-305(b)(8), Annotated Code of Maryland which is to "consult with staff, consultants, or other individuals about pending or potential litigation."

Approval by Commissioners for a closed executive meeting
Motion by Commissioner Blanchard, Second Commissioner Mellor

Vote 5 to 0 in favor

Commissioners O'Donnell, Blanchard, Sweeney, Mellor and Ritz III present. Dave Haller informed the Board that the Mayor had settled the pool litigation for \$20,000 as directed by the Board during the March 7, 2016 closed executive session.

Commissioners O'Donnell, Blanchard, Sweeney, Mellor and Ritz III present. Mr. Haller

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advised that the insurance company for the driver who struck the doughboy offered the Town a \$15,000 settlement for the damages. Mr. Haller advised that the \$15,000 was the policy limit for property damage.

Motion - to accept the \$15,000 settlement offer from insurance company related to the repairs to the Doughboy statue.

Vote in favor.

Announcement of a Closed Session (March 7, 2016):

President O'Donnell announced the need for a closed executive session following adjournment of the March 7 2016, meeting as permitted by the *General Provisions* Article, Section 3-305(b)(1) Annotated Code of Maryland which is to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee or official over whom it has jurisdiction or any other personnel matter that affects one or more specific individuals;" *General Provisions* Article, Section 3-305(b)(7), Annotated Code of Maryland which is "to consult with counsel to obtain legal advice;" and *General Provisions* Article, Section 3-305(b)(8), Annotated Code of Maryland which is to "consult with staff, consultants, or other individuals about pending or potential litigation."

Item # 1: The Commissioners were briefed by Town staff and the Town Attorney, John Clapp, about pool litigation surrounding the 2015 pool contract. Mr. Clapp advised the Town was being sued by the pool company. Mr. Clapp advised the Board that there were problems with the pool vendor Labor Day weekend as well as their failure to the winterize the pool.

Motion – to authorize the Mayor to settle the mediation as he sees fit and in the best interest of the Town.

Vote in Favor

Item #2: Discussion surrounding the termination of an employee in June 2015. Consensus of the Board that in regards to all staff modifications the Board be notified in a timely manner.

Item #3: Mayor Briggs announced his proposal for reorganization of Town staff as part of the budget cycle. Dave Haller announced that he will be retiring as of June 30, 2016. Mayor Briggs stated his desire was to appoint Cathy Willets, Town Clerk, as interim Town Manager through the first of the year (2017). Mayor Briggs also advised he would like to have Mr. Haller return as a consultant some time after his retirement.

Motion – to end the full time employment for Dave Haller on June 30, 2016. Contract discussions for Mr. Haller as a consultant to begin at a later date.

Vote in favor

Motion – to move Cathy Willets to interim position as Town Manager while simultaneously acting as Town Clerk starting July 1, 2016 to December 31, 2016. To advertise for Town Manager in July 2016.

Vote in favor

Approval of Minutes

The Minutes of the April 4, 2016 Town Meeting were approved as presented.

Motion by Commissioner Sweeney, Second by Commissioner Ritz III
Vote 5-0 in favor

Police Report – Deputy Rohrer presented the police report from April (Exhibit).

Commissioner Comments:

Commissioner Ritz III: Presented a First Mortgage Bond for the Emmitsburg Railroad Company to the Town. Gave out copies of a deed from 1929 concerning the plot of land where the Doughboy Statue is located.

Commissioner Blanchard: Mentioned the rededication ceremony of the Doughboy Statue scheduled for Saturday, May 28th at 11:00 am.

Commissioner Sweeney: Mentioned proposed dedication of MD 140 Bridge over US Route 15 to US Army 1st LT Robert Seidel III, who was killed in Baghdad in 2006.

A sign will be dedicated in memory of Marine CPL. William "Kyle" Ferrell to be erected by SHA under the Catoctin Furnace Historic Trail Bridge of RT. 15. This is scheduled for June 11th, 2016 at 11:30 AM.

Commissioner O'Donnell: He mentioned a Town resident being concerned about the sidewalks being ADA compliant. SHA will contact the resident. He commended Commissioner Mellor concerning paving in the Town parks. He congratulated Mount Saint Mary's Rugby team for being National Champions. He also mentioned his appreciation for the work the trail volunteers accomplished.

Commissioner Ritz III: Would like to verify the Town owns the Doughboy Statue.

Commissioner O'Donnell: Would like the cost to investigate who owes the Doughboy Statue brought to the Board for funding.

Public Comments: Mike Breson, 342 Mountaineers Way, Emmitsburg MD. He had concerns about the proposed location of the dog park. He said the area is constantly wet except for two months out of the year. He was also concerned about the proximity to his house. Mr. Breson had a copy of the proposed map and location.

Mr. Haller was not sure if that was an up to date copy of the proposed dog park.

Mr. Muir: Said this was the correct location but not the correct size of the project.

Commissioner O'Donnell: This is an upcoming agenda item but has not been voted on yet, nothing is final.

Cynthia Fraga, 332 Mountaineers Way, Emmitsburg, MD. She shared with the Commissioners that she felt the proposed dog park was too close to the Southgate Subdivision. She thanked the Commissioners for the bike and walking path. She has concerns that it is a one way path. Everyone has to run in the same direction. She would like rules posted, especially at the blind spot where the bridge is located. She said this is an accident waiting to happen. She would also like to see a soccer field in Town, such as the field behind the Community Center.

Administrative Business –

- Commissioner O'Donnell: Followed up on the status of The Community Garden plot mushroom compost and mulch for the paths between the garden beds.

Mr. Haller: This will be completed.

Consent Agenda – No Items

Reports:

Treasurer's Report – Commissioner Blanchard reported on April 2016 cash activity. Exhibit attached.

Planning Commission Report – Commissioner Sweeney presented The Annual Report for the Calendar year 2015 to the Board of Commissioners.

Commissioner Ritz III: Mentioned the misspelling of a name on the cover sheet of the report. Ronald Lund should read Ronald Lind. Planner, Sue Cipperly will correct the error.

Consensus from board with modification.

II. Agenda Items

Update on Dog Park:

Jerry Muir presented the dog park proposal including the site plan and cost estimate. He mentioned that the site is in a very low spot and the cost for the project has increased. The Town has received \$13,000.00 in POS funding. At this point, the Town has not advertised for

Requests for Proposals. We are in the initial stages of this project.

Commissioner Mellor: Asked how much the topography survey cost. Mr. Muir said around \$1,000.00 this included the drainage and design for pipe.

Commissioner Ritz III: Questioned the need for a dog park. He was concerned about whom would be responsible for cleaning up the waste generated.

Commissioner O'Donnell: Understands the need for a dog park however this location may not be the optimal location.

Consensus from the board to investigate additional locations for consideration by the board.

Ordinance No. 16-08 Amendment to Sect 17.28.050 Accessory Uses in Institutional Zone

Planner Sue Cipperly gave ordinance amendment overview. Planning Commission added letter "E. Other accessory uses determined by the zoning administrator to be compatible with the Institutional Zoning District".

Dave Haller: Asked if the ordinance had been given to the Town attorney. He felt that letter "E" would be problem and should be reviewed by the Town attorney as it is too

flexible.

Consensus from the Board that this should be forwarded to the Town attorney with special attention to letter "E".

Initial Presentation on Town Budget

Cole Tabler handed out copies of the Town budget. Mr. Haller asked everyone to take it home and make note of any questions.

Commissioner Blanchard: Asked Mr. Haller if it has to be passed by the end of June. He answered, yes.

Commissioner O'Donnell: Reminded the Board that this is a discretionary item and that no decisions have been made and this is for their specific review.

Citizen Advisory Committee recommendations related to nuisance ordinance

The Citizens Advisory Committee met on April 19th, 2016 without a quorum. Members present did not feel there was a need for the nuisance ordinance. Individuals at the meeting had concerns that the document was too vague. Commissioner Ritz III said the individuals present concurred with what the Board of Commissioners had previously discussed.

Commissioner O'Donnell: Asked Commissioner Ritz III if he felt the next meeting could establish a quorum.

Commissioner Ritz III: Asked if there had to be a physical meeting or if this could be accomplished electronically?

Commissioner O'Donnell: He thought there should be a physical meeting.

Dave Haller: Suggested that attendance should be taken and minutes of the meeting would be helpful.

Commissioner Sweeney: Thought perhaps the amount of members for the quorum should be decreased.

Contract related to demolition of Scott Road Farm Barn and installation of a roof

Mr. Jerry Muir gave the contract presentation and put together an RFP to demolish the barn and build a sloping roof over the cattle shed.

Commissioner O'Donnell: Adjourned the meeting to speak to Dave Haller privately.

Commissioner O'Donnell: May 2nd, 2016 meeting was reconvened.

Mr. Muir: Went on to explain what the cost estimate involved.

Commissioner O'Donnell: Asked if the \$36,000.00 was budgeted.

Dave Haller: It will be, in the upcoming budget.

Commissioner Ritz III: Asked if any grant money were investigated?

Dave Haller: Said he did not have any knowledge of grants available for this type of

project.

Motion: - Approve Phase I and Phase II of the barn demolition on the Scott Road Farm for a total cost of \$36,255.00.

Motion by Commissioner Blanchard, second by Commissioner Sweeney

Vote: 4-1 in Favor

Commissioner Ritz III against

Set Agenda Items for May 16, 2016 Town Meeting

1. Review and Discussion of the 2017 Town of Emmitsburg Budget

IV SIGN APPROVED TEXT AMENDMENT AND/OR RESOLUTIONS

IV Adjournment

With no further business, the May 2, 2016 Town Meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Cathy Willets, Town Clerk

Approved:

**MINUTES
TOWN MEETING
May 16, 2016
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners Clifford Sweeney, Joseph Ritz III, Glenn Blanchard and Tim O'Donnell, President.

Staff present were Cathy Willets, Town Clerk; Cole Tabler, Town Accountant; Amy Naill, Recording Secretary; and Dave Haller, Town Manager.

Absent: Jennifer Mellor with prior notice. Mayor Donald Briggs left at 9:05 PM.

II. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the May 16, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Commissioner Comments:

Commissioner Sweeney: Stated that sidewalks looked good on North Seton Avenue. Questioned why they did not complete the area between the American Legion and the barber shop.

Mr. Haller: Said some of these areas were in good condition and some areas are included in the square project.

Commissioner Blanchard: Mentioned the Doughboy Rededication, Saturday May 28th at 11:00 AM. He would like moral support from the board. He also mentioned the Flag Day Ceremony on June 14th at 7:00 PM in front of the Emmitsburg Town Office. He mentioned the dates for the Food Bank drops, June 15th, July 13th, August 17th, and September 14th from 3:00 PM to 6:00 PM. They are in need of volunteers.

Mayor's Comments – Mayor Briggs will be at FEMA on June the 11th, they are going to add additional names to the Firefighters Memorial. To honor the firefighters that were killed in fires prior to 1981.

Maryland General Assembly Special Citation Presented by Delegate Afzali:

Delegate Afzali made a presentation concerning the New National Champions for the Small College Division. She represented the Frederick County Delegation to Annapolis and presented a special recognition from the State of Maryland to Mount Saint Mary's rugby team in winning the 2015-2016 NSCRO Championship. Stats for the year were 13-0. Present to receive the award were Coach Jay Myles, Club President Nick Mufay and Assistant Captain Tyler Myles.

Assembly Report from Delegate Alfazi:

Delegate Afzali presented a report from the State House in Annapolis including the funding for the Town of Emmitsburg. Mentioned were The Emmitsburg Elementary School for HVAC renovations will receive \$320,000.00. The Emmitsburg Community Pool will receive \$217,000. She emphasized the need to make the delegation aware if something is needed for the community.

She stated that Governor Hogan's budget has almost a billion saved into a rainy day fund and that it was a very productive year for the delegation as a whole.

Commissioner Blanchard: Wanted to thank Governor Hogan for attending the Mount Saint Mary's graduation ceremony this year.

Commissioner Ritz III: Questioned the \$217,000 grant for the Town pool.

Mayor Briggs: Told Commissioner Ritz III that the Town Staff put in for the grant proposal.

Commissioner O'Donnell: Stated that we are a small community but we are getting stronger responses progressively from the Maryland State Government. He gave the example of the State Highway Administration sending their "A" team for the public meeting on the square project.

Mayor Briggs: Thanked Delegate Alfazi for coming to the meeting and assisting the Town with the grant.

Commissioner O'Donnell: Discussed a procedural item concerning the premise of a closed session. He said it is to allow candor and privacy among the Commissioners. A closed session is used when discussing items related to Town business that would include litigation, personnel matters, or contracts. What comes forward in the summary is different than what the sealed transcript is of the actual session. The summary should include the time and place of the closed session, the purpose of the meeting, the record of the vote of each member to close the meeting, the legal authority for closing the meeting according to the State statute, a list of topics of discussion, the person's present who are involved in the meeting and a statement of any action taken during the closed meeting.

At the next Town meeting brief summaries will be given related to the closed sessions the Board of Commissioners had previously.

Administrative Business –No Items

Consent Agenda – No Items

Reports:

Treasurer's Report – No Report

Planning Commission Report – No Report

II. Agenda Items

Review and Discussion of the 2017 Town of Emmitsburg Budget:

Mayor Briggs: Stated the budget is balanced with no tax increases. He is recommending a 2% cola for the staff. The budget also provides an additional \$20,000.00 toward the square project.

Mr. Tabler: Gave out a revised fiscal year 2017 proposed budget. Mr. Tabler stated the budget is a balanced budget and that revenues equal expenses. Under total expenses we have some departments increasing and some departments decreasing, this is due to where we think the staff's salaries will be allocated during the coming year.

Commissioner Sweeney: Asked a question concerning the electric increase in public works/streets section of the budget.

Mr. Haller: Stated that the staff is in the process of making the second solar field fit in and work properly. You will see the cost decrease over time.

Commissioner Ritz III: Asked about the streetlight upkeep increase from 2016 to the 2017 budget.

Mr. Haller: This concerns people knocking down streetlights. This happens quite often.

Cathy Willets: Said the cost is about \$3,000.00 per pole.

Commissioner Ritz III: Asked that the fireworks donation to the Lion's Club be increased from \$500.00 to \$2,000.00.

Mr. Haller: Stated that Commissioner Sweeney spoke to him earlier and that he is going to verify exactly what the Town donated last year.

Commissioner O'Donnell: Asked about \$77,458.00 under Capital Projects concerning West Lincoln Avenue is related to.

Mr. Haller: This is what is remaining on the potential upgrade of West Lincoln Avenue, which an earlier board allocated to increase the curb and gutters. We have increased the sidewalk in this area. However, when you decide to improve and put in the second water plant, you will need to install a couple of thousand feet of waterline in that area. You cannot build a new water plant until that line is completed.

Commissioner Ritz III: Had questions concerning the amount under Special Assessment-Mtn View.

Mr. Haller: These properties are not within the Town boundary. The Town replaced the water line in that area but we did not charge the homeowners the total fee. We did charge them a fee per property over long term. This is a continuation of the homeowners making the payment back to the Town.

Mr. Tabler: Stated that the last few years the water revenue has been in deficit and the sewer revenue has made up for it.

Mr. Haller: Explained that adjustments were made to the sewer rates to allow for the new plant but no adjustments have been made to the water rates for some time. He asked the board to think about modifying the water rates sometime in the future.

Commissioner O'Donnell: Suggested to the board if they wanted to see funding for something specific in the budget modified or enhanced that they should come back to the board at the next meeting with suggestions and we will consider those modifications.

Mr. Haller: Asked that the Board to look over the budget further and encouraged them to email or contact staff with any concerns.

Set Agenda Items for June 6, 2016 Town Meeting

1. Fiscal Year 2017 Town of Emmitsburg Budget

For more information go to www.emmitsburgmd.gov

IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

IV Adjournment

With no further business, the May 16, 2016 Town Meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Cathy Willets, Town Clerk

Approved:

ITEM F

ADMINISTRATIVE BUSINESS:

No items

ITEM G

CONSENT AGENDA:

No items

ITEM H

REPORTS:

Treasurer's Report - see attached

Planning Commission Report – to be given at the meeting

TOWN OF EMMITSBURG
CASH ACTIVITY as of May 31, 2016

\$3,483,676	Cash Balance May 1, 2016
1,177,299	Deposits
<u>-206,540</u>	Withdrawals
\$4,454,435	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$12,592	UGI Energy Services	April 16 Solar	05.18.16	35854
12,388	Kevin Stultz	Final Benefits	05.19.16	35860
11,993	UGI Energy Services	April 16 Solar	05.18.16	35854
9,900	Crop Production Services	Green Clean Pro	05.11.16	35809
7,838	RSV Pools	May 16 Pool Mgmt	05.04.16	35798
7,270	Jaime Andrew	Community Legacy 21 East Main Street	05.18.16	35850
6,558	Republic Services	May 16 Residential Refuse	05.11.16	35803
5,351	Frederick County Duswn	April 16 Tipping Fee	05.11.16	35812
3,173	Clapp & Carper, LLC	April 16 Legal Services	05.11.16	35808
3,168	S&W Construction	Concrete Bike Pads	05.04.16	35799

Ck dates 04/29/16 to 05/31/16

AGENDA ITEMS

ITEM 1

Fiscal Year 2017 Town Budget

IV) SET AGENDA ITEMS FOR July 5, 2016 TOWN MEETING

1.

2.

3.

4.

5.

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**V) SIGN APPROVED TEXT AMENDMENTS AND/OR
RESOLUTIONS**